



~~May 18, 2004 CPC~~
June 23, 2004 BS

STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

04SN0223

Randolph V. Artis

Bermuda Magisterial District
13710 Harrowgate Road

REQUEST: Conditional Use to permit a family day care home in an Agricultural (A) District.

PROPOSED LAND USE:

A family day care home within an existing single family residence is planned.

PLANNING COMMISSION RECOMMENDATION

RECOMMEND APPROVAL SUBJECT TO THE CONDITIONS ON PAGE 2.

AYES: MESSRS. LITTON, BASS, GULLEY AND WILSON
ABSENT: MR. GECKER

STAFF RECOMMENDATION

Recommend approval for the following reasons:

- A. The family day care home, if properly conditioned, should be compatible with surrounding residential development. Family day care homes have been approved in other similar neighborhoods throughout the County and have operated without any apparent adverse impact on area residences.
- B. Through the Conditional Use process and the imposition of the recommended conditions, the residential character of the area will be maintained.

(NOTE: CONDITIONS MAY BE IMPOSED OR THE PROPERTY OWNER MAY PROFFER CONDITIONS. THE CONDITIONS NOTED WITH "STAFF/CPC" WERE AGREED UPON BY BOTH STAFF AND THE COMMISSION. CONDITIONS WITH ONLY A "STAFF" ARE RECOMMENDED SOLELY BY STAFF. CONDITIONS WITH ONLY A "CPC" ARE ADDITIONAL CONDITIONS RECOMMENDED BY THE PLANNING COMMISSION.)

CONDITIONS

- | | | |
|-------------|----|--------------------------------------------------------------------------------------------------------------------------------------------------------|
| (STAFF/CPC) | 1. | This Conditional Use shall be granted to and for Mr. and Mrs. Randolph V. Artis, exclusively, and shall not be transferable nor run with the land. (P) |
| (STAFF/CPC) | 2. | There shall be no exterior additions or alterations to the existing structure to accommodate this use. (P) |
| (STAFF/CPC) | 3. | There shall be no signs permitted to identify this use. (P) |

GENERAL INFORMATION

Location:

West line of Harrowgate Road, south of Stoney Creek Parkway and better known as 13710 Harrowgate Road. Tax ID 790-644-9659 (Sheet 34).

Existing Zoning:

Agricultural (A)

Size:

4.7 acres

Existing Land Use:

Single family residential

Adjacent Zoning and Land Use:

North and West - R-15 and R-9; Single family residential or vacant

South - A; Single family residential

East - A and A with Conditional Use; Single family residential, child care center or vacant

UTILITIES

Public Water System:

There is an existing twelve (12) inch water line extending along the south side of Harrowgate Road, adjacent to the site. Use of the public water system is required by County Code. The existing home is connected to the public water system.

Public Wastewater System:

There is an existing eight (8) inch wastewater collector line extending along Stoneycreek Parkway approximately 150 feet northwest of the request site. In addition, an eight (8) inch wastewater collector line is approximately 150 feet southwest of this site. Without an off-site extension, the public wastewater system is not available to serve this site.

Private Wastewater System:

The existing home is served by a private septic system. The Health Department must approve any expanded usage of the existing septic system.

ENVIRONMENTAL

Drainage and Erosion:

The property drains southeast and northwest through existing Stoney Glen Subdivision. There are currently no on- or off-site drainage and erosion problems with none anticipated after development.

PUBLIC FACILITIES

Fire Service:

The Chester Fire Station, Company Number 1, and Bensley-Bermuda Volunteer Rescue Squad currently provide fire protection and emergency medical service. This request will not impact fire and emergency medical services.

Transportation:

The proposed use will have a minimal impact on the existing transportation network.

LAND USE

Comprehensive Plan:

The request site lies within the boundaries of the Southern and Western Area Plan which suggests the property is appropriate for residential use of 2.51 to 4 dwelling units per acre.

Area Development Trends:

Adjacent properties to the north and west are zoned Residential (R-15) and Residential (R-9) and are occupied by single family dwellings within Stoney Glen Subdivision or are vacant. Properties to the south are zoned Agricultural (A) and are occupied by single family dwellings on acreage parcels or are vacant. Properties to the east are zoned Agricultural (A) and Agricultural (A) with Conditional Use and are occupied by a child care center and single family dwellings on acreage parcels or are vacant. It is anticipated that residential use will continue in the area as recommended by the Plan.

Site Design:

The applicant proposes to utilize the dwelling and backyard area for the day care. To insure that the residential character of the area is maintained, conditions preclude any additions to the existing dwelling to accommodate the use and any sign to identify the use. (Conditions 2 and 3)

CONCLUSIONS

As noted herein, the applicant is requesting a family day care home. The Zoning Ordinance permits the keeping of a maximum of five (5) children by right in a residential district. Approval of this request would permit a maximum of twelve (12) children to receive care at any one (1) time, excluding the applicant's children and any children who reside in the home.

The proposed family day care home, as conditioned, should have no adverse impact on the surrounding neighborhood. Similar family day care homes have been approved in other neighborhoods and have operated without any apparent impact on area residences. The conditions are similar to conditions imposed upon other family day care homes and are designed to maintain the residential character of the area. (Conditions 1 through 3)

Given these considerations, approval of this request, subject to the conditions, is recommended.

CASE HISTORY

Planning Commission Meeting (5/18/04):

The applicant accepted the recommendation. One (1) person spoke in opposition to the request stating a concern that approval would encourage other commercial use in the area. Four (4) citizens spoke in support of the request stating there was a need in the area for child care.

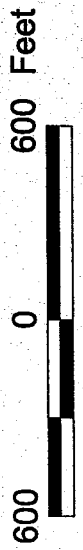
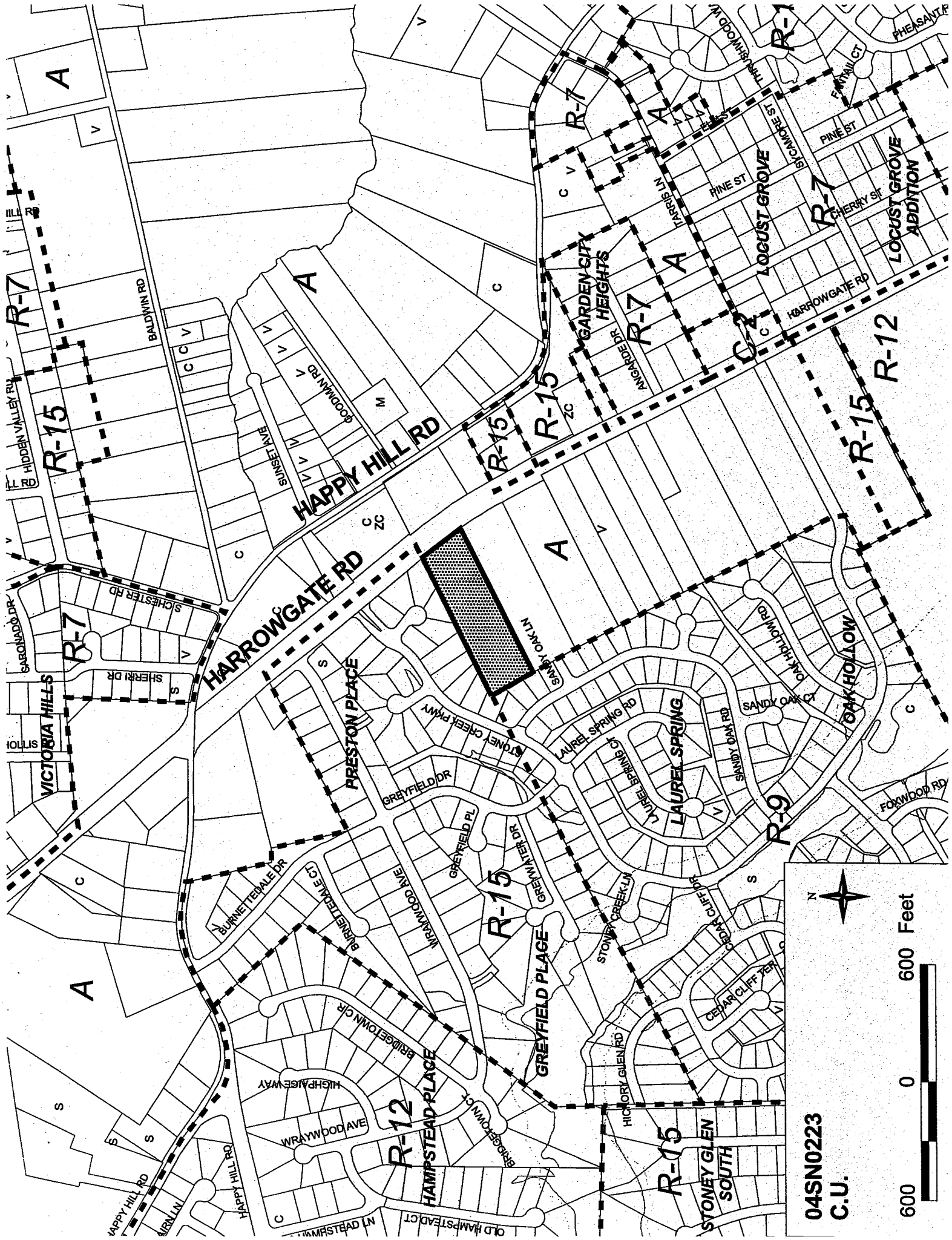
Mr. Wilson stated family daycare homes provide a choice for child care.

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission recommended approval subject to the conditions on page 2.

AYES: Messrs. Litton, Bass, Gulley and Wilson.

ABSENT: Mr. Gecker.

The Board of Supervisors, on Wednesday, June 23, 2004, beginning at 7:00 p.m., will take under consideration this request.



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C.U.